

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ERIC D. AYERS,

Plaintiff,

v.

Civil Action No. 2:14-cv-28753

CORPORAL SINGLETON, and
SERGEANT TERRY, and
LIEUTENANT BENION, and
COUNSELOR OSBORNE, and
SRT OFFICERS,

Defendants.

MEMORANDUM OPINION AND ORDER

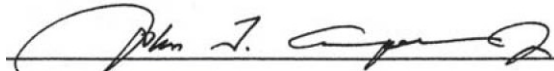
The court has received the Proposed Findings and Recommendation in this case by United States Magistrate Judge Dwane L. Tinsley, filed on March 27, 2017, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). Notice of this filing to the plaintiff, whose then address was listed by him in the record of this case as 2779C Pennsylvania Ave, Charleston, WV 25302, has been returned undeliverable.

Since then the plaintiff, on July 11, 2017, has filed notice of his current address as being 100 Deputy Dean Miera Drive SW, Albuquerque, NM 87151. It appears to the court that the plaintiff may not have received a copy of the Proposed Findings and Recommendation, which recommends dismissal without

prejudice. Acting on that assumption, the court declines to adopt the Proposed Findings and Recommendation and again refers this matter to Judge Tinsley for all such further proceedings as may be appropriate.

The Clerk is directed to forward copies of this written opinion and order to plaintiff, all counsel of record and the United States Magistrate Judge.

DATED: October 19, 2017

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge